

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i></p> <p>Debtors.<sup>1</sup></p>	<p>PROMESA Title III</p> <p>No. 17 BK 3283-LTS</p> <p>(Jointly Administered)</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>PUERTO RICO ELECTRIC POWER AUTHORITY,</p> <p>Debtor.</p>	<p>PROMESA Title III</p> <p>No. 17 BK 4780-LTS</p> <p>Re: ECF No. 1951</p>

**URGENT MOTION TO EXTEND CERTAIN BRIEFING DEADLINES AND THE  
HEARING IN CONNECTION WITH PREPA’S URGENT MOTION FOR ENTRY OF  
AN ORDER AUTHORIZING PREPA TO ASSUME CERTAIN CONTRACTS WITH  
ECOELÉCTRICA, L.P. AND GAS NATURAL APROVISIONAMIENTOS SDG, S.A.**

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To The Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), for itself and as representative of the Puerto Rico Electric Power Authority (“PREPA” or the “Debtor”) in this Title III case pursuant to section 315(b) of the *Puerto Rico Oversight, Management and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submits this urgent motion (“Motion”) for an order extending the briefing schedule related to *PREPA’s Urgent Motion for Entry of an Order Authorizing PREPA to Assume Certain Contracts with EcoEléctrica, L.P. and Gas Natural Aprovevisionamientos SDG, S.A.* [ECF No. 1951] (the “Motion to Assume”), and represents as follows:

### **BACKGROUND**

1. On April 1, 2020, the Oversight Board, filed the Motion to Assume and the *Motion Submitting Declaration of Fernando M. Padilla in Support of PREPA’s Urgent Motion for Entry of an Order Authorizing PREPA to Assume Certain Contracts with EcoEléctrica, L.P. and Gas Natural Aprovevisionamientos SDG, S.A.* [ECF No. 1952].

2. On April 2, 2020, the court filed the *Order Scheduling Briefing in Connection with PREPA’s Urgent Motion for Entry of an Order Authorizing PREPA to Assume Certain Contracts with EcoEléctrica, L.P. and Gas Natural Aprovevisionamientos SDG, S.A.* [ECF No. 1956].

3. The current deadline to object to the Motion to Assume is **April 8, 2020**, and the reply deadline is **April 15, 2020**.

4. The Motion to Assume is currently scheduled to be heard at the omnibus hearing on **April 22, 2020**.

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<sup>2</sup> PROMESA is codified at 48 U.S.C §§ 2101-2241.

### **RELIEF REQUESTED**

5. Counsel for Unión de Trabajadores de la Industria Eléctrica y Riego, Inc. (“**UTIER**”) notified counsel for the Oversight Board that it intends to file an objection to the Motion to Assume, and requested an extension of the April 8, 2020 objection deadline due to issues relating to the COVID-19 pandemic, including the restriction on movement and business activity on the island.

6. The Oversight Board has agreed to extend the briefing schedule and deadlines for UTIER and any other party in interest that intends to respond to the Motion to Assume, and to continue the hearing to the June 3, 2020 omnibus hearing.

7. Accordingly, the Oversight Board respectfully requests that the Court set **April 27, 2020** as the deadline for parties in interest in the PREPA Title III case to file an opposition to the Motion to Assume and **May 18, 2020** as the deadline for the Oversight Board to file a reply to all oppositions and responses. The Oversight Board further requests that the Motion to Amend be set for hearing at the **June 3, 2020** omnibus hearing. Counsel to UTIER is in agreement with this proposed amended schedule.<sup>3</sup>

### **CONCLUSION**

8. For the foregoing reasons, the Oversight Board respectfully requests that the Court (i) grant the Motion, and (ii) set the briefing schedule above for dispositive motion practice on the Motion to Assume.

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<sup>3</sup> UTIER has raised the need for discovery regarding the Motion to Assume. The Oversight Board has agreed to work with PREPA to determine diligence material that can be provided on an informal and confidential or professional eyes’ only basis. However, UTIER reserves the right to perform formal discovery if needed, and the Oversight Board, AAFAF, and PREPA likewise reserve the right to oppose any such discovery.

**Certification of Compliance with  
Local Rule 9013-1 and the Eleventh Amended Case Management Procedures**

9. Pursuant to Local Rule 9013-1 and ¶ I.H of the Case Management Order, the Oversight Board and Committee hereby certify that they have (a) carefully examined the matter; (b) not created the urgency through any lack of due diligence; and (c) made a *bona fide* effort to resolve the matter without a hearing.

WHEREFORE the Oversight Board respectfully requests the Court enter the Proposed Order attached as **Exhibit A**, granting the relief requested herein and all other relief as is just and proper.

Dated: April 7, 2020  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Paul V. Possinger

Paul V. Possinger  
Ehud Barak  
Daniel S. Desatnik  
(Admitted *Pro Hac Vice*)  
**PROSKAUER ROSE LLP**  
Eleven Times Square  
New York, NY 10036  
Tel: (212) 969-3000  
Fax: (212) 969-2900

*Attorneys for the Financial  
Oversight and Management Board  
as representative for PREPA*

**LUIS F. DEL VALLE-EMMANUELLI**

/s/ Luis F. del Valle  
USDC-PR No. 209514  
P.O. Box 79897  
Carolina, Puerto Rico 00984-9897  
Tel. 787.647.3503  
Fax N/A  
dvelawoffices@gmail.com

OF COUNSEL FOR  
A&S LEGAL STUDIO, PSC  
434 Avenida Hostos  
San Juan, PR 00918  
Tel. (787) 751-6764/763-0565  
Fax (787) 763-8260

*Co-Attorney for the Financial Oversight and  
Management Board as representative for  
PREPA*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Luis F. Del Valle-Emmanuelli  
Luis F. Del Valle-Emmanuelli

**EXHIBIT A**

**Proposed Order**

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.<sup>4</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER  
AUTHORITY,

Debtor.

PROMESA

Title III

No. 17 BK 4780-LTS

Re: ECF No. 1951

**[PROPOSED] ORDER GRANTING URGENT MOTION TO EXTEND CERTAIN  
BRIEFING DEADLINES AND THE HEARING IN CONNECTION WITH PREPA'S  
URGENT MOTION FOR ENTRY OF AN ORDER AUTHORIZING PREPA TO  
ASSUME CERTAIN CONTRACTS WITH ECOELÉCTRICA, L.P. AND GAS  
NATURAL APROVISIONAMIENTOS SDG, S.A.**

<sup>4</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).



Upon the *Urgent Motion to Extend Certain Briefing Deadlines and the Hearing in Connection with PREPA's Urgent Motion for Entry of an Order Authorizing PREPA to Assume Certain Contracts with EcoEléctrica, L.P. and Gas Natural Aprovevisionamientos SDG, S.A.* (the "Urgent Motion");<sup>5</sup> and the Court having found it has subject-matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue in this district is proper pursuant to PROMESA section 307(a); and the Court having found that the Movants provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found that good and sufficient cause exists for the granting of the relief as set forth herein:

1. The Urgent Motion is **GRANTED** as set forth herein.
2. The following briefing schedule is set for filing responsive pleadings to the

Motion to Assume:

- The deadline for parties to file an opposition to the Motion to Assume shall be **April 27, 2020**.
- The deadline for the Oversight Board to file a reply to all oppositions and responses shall be **May 18, 2020**.
- The hearing on the Motion to Assume shall be held on **June 3, 2020 at 9:30 a.m. (ADT)**.

3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: \_\_\_\_\_, 2020.

SO ORDERED:

\_\_\_\_\_  
HONORABLE LAURA TAYLOR SWAIN  
United States District Judge

<sup>5</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.